

3736



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

P1

Applicant: IDDAN, Gavriel J. Examiner: Foreman, J.

Serial No.: 10/046,540 Group Art Unit: 3736

Filed: January 16, 2002 Attorney Docket No.: P-2752-US

Title: A SYSTEM AND METHOD FOR DETERMINING IN VIVO BODY LUMEN CONDITIONS

**PETITION TO MAKE SPECIAL
UNDER 37 C.F.R. 1.102 AND MPEP 708.02(VIII)**

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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This petition to make special is being submitted under 37 C.F.R. 1.102 and MPEP 708.02 (VIII). Applicant is submitting the fee under 37 CFR 1.17(h), as discussed below.

DISCUSSION

The present application has not been examined by an Examiner in the Office.

A search has been made by the Office as the International Search Authority in connection with the corresponding International Application number PCT/IL02/00041, published July 18, 2002 as publication number WO02/055984, which along with the present Application claims priority from U.S. Provisional Application 60/261,189. The fields searched were US 548/77; 600/130; 153; 327 and 562. A copy of the International Search Report is attached hereto.

The references cited in the International Search Report were included in an Information Disclosure Statement submitted by Applicant on October 31, 2002. Thus a copy of each of the references in the International Search Report is of record.

Further to MPEP 708.02 (VIII)(E), Applicant below submits a detailed discussion of the references cited by the International Search Report attached hereto, pointing out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the cited references.

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Each of the three references cited in the International Search Report is cited as an "A" reference, and is thus considered by the Authorized Office to not be of particular relevance to Applicant's claims. Applicant agrees with this assessment of non-relevance.

For example, none of US 6,115,061 (Lieberman et. al.), US 5,088,492 (Takayama et. al.) and US 6,240,312 B1 (Alfano et. al.), alone or in combination, teach an "interaction chamber" or the use of an interaction chamber, as is variously required by in each of Applicant's independent claims 1, 19, 21, 22, 23, 25, 27, 32, 35, 37, 38, 40 and 42.

In order for a reference to anticipate a claim, the reference must teach every element of the claim. Similarly, for one or more references to render a claim obvious, a teaching or a suggestion is required by the relied upon prior art of all the elements of a claim. None of Alfano, Takamaya or Lieberman, alone or in combination, teach every element of any of independent claims 1, 19, 21, 22, 23, 25, 27, 32, 35, 37, 38, 40 and 42. For at least this reason, none of Alfano, Takamaya or Lieberman anticipate these claims, nor do these references, alone or in combination render these claims obvious.

Each of dependent claims 2-18, 20, 24, 26, 28-31, 33, 34, 36, and 39, depend from and therefore include all the limitations of, one of independent claims 1, 19, 21, 22, 23, 25, 27, 32, 35, 37, and 38, and thus each of dependent claims 2-18, 20, 24, 26, 28-31, 33, 34, 36, and 39 are likewise not anticipated or made obvious by any of Alfano, Takamaya or Lieberman, alone or in combination.

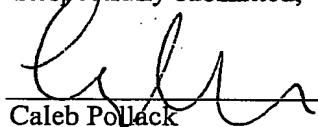
CONCLUSION

Applicant therefore requests that the Special Program Examiner grant the present application Special status, and requests that the Examiner perform an Accelerated Examination, under MPEP 708.02 (VIII). Applicant further respectfully asserts that Applicant's claims are new and are not anticipated or made obvious by the above discussed references, and the Application is in condition for allowance. Applicant respectfully requests the Examiner to allow the currently pending claims.

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Please charge the fee under section 1.17(h) to deposit account No. 05-0649. No other fees are believed due. However, if any additional fees are due, please charge any such fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,



Caleb Pollack

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Dated: April 4, 2003

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